

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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STANLEY PAUL WILLIAMS,

Plaintiff,

v.

JAMES ARMSTRONG, *et al.*,

Defendants.

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Case No. 1:06-CV-168

Hon. Richard Alan Enslen

**ORDER**

This matter is before the Court to review two Objections by Plaintiff Stanley Paul Williams to two pretrial Orders of United States Magistrate Judge Ellen S. Carmody. This Court reviews those Orders pursuant to 28 U.S.C. § 636(b)(1)(A) to determine whether they are “clearly erroneous or contrary to law.”

Upon such review, the Court determines that both Orders were appropriate and should not be modified or set aside. The September 20, 2006 Order denied Plaintiff’s Motion for Defendant’s Answer to be Deemed Admitted in Part. The portions of the Answer at issue do not admit the allegations and are treated as denials under Federal Rule of Civil Procedure 8(b). Even if certain paragraphs of Defendants’ Answer did not utilize the formula responses under Rule 8(b), those paragraphs made abundantly clear that Defendants were denying the allegations. Denial of the Motion was not clearly erroneous or contrary to law.

Regarding the Order of October 12, 2006, Plaintiff has objected that such Order imposed unnecessary limitation upon his right to seek discovery under Federal Rule of Civil Procedure 26 and that he should be granted leave to file additional interrogatory questions. The limitation challenged

is the customary Rule 33 limitation of 25 questions. It is true that leave for additional interrogatories may be granted if good cause for such is shown under Rules 33(a) and 26(b)(2). In the Court's judgment, Plaintiff has not shown good cause. Plaintiff's suit is a simple one and does not require additional interrogatories, especially given that such is not justified on the "benefit vs. burden" analysis of Rule 26(b)(2). As such, the Magistrate Judge's Order was not clearly erroneous or contrary to law.

**THEREFORE, IT IS HEREBY ORDERED** that Plaintiff Stanley Paul Williams' Objections to the Magistrate's Order Denying Motion for Defendant's Answer to be Deemed Admitted in Part (Dkt. No. 44) are **DENIED** and the Order of September 20, 2006 is **AFFIRMED**.

**IT IS FURTHER ORDERED** that Plaintiff's Objections to the Magistrate's Order Denying Motion for Leave of Court to Serve Defendants Additional Interrogatories (Dkt. No. 47) are **DENIED** and the Order of October 12, 2006 is **AFFIRMED**.

DATED in Kalamazoo, MI:  
November 13, 2006

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE